

**REMARKS**

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1 and 3-14 are pending in this application. Claim 2 being cancelled by this amendment without prejudice to the subject matter contained therein.

**Information Disclosure Statement**

Applicants thank the Examiner for indicating that the references submitted in the Information Disclosure Statement filed on August 16, 2006, have been considered.

**Foreign Priority**

Applicants note with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the U.S.P.T.O.

**Drawings**

Applicants also respectfully note the present action indicates that the drawings have been accepted by the Examiner.

**Rejections under 35 U.S.C. § 112, second paragraph**

Claims 2, 4, and 10 are rejected to as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Although Applicants do not necessarily agree with

the Examiner's rejection, Applicants have amended claims 4 and 10 taking into consideration the Examiner's comments. Claim 2 has been cancelled by this amendment. Withdrawal of this rejection is respectfully requested.

**Rejections under 35 U.S.C. § 102**

Claims 1-14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by WO 03/040878 A2 to R. Bharat Rao ("Rao"). Applicants respectfully traverse this rejection for the reasons detailed below.

The Examiner alleges that Rao discloses the claimed invention. Applicants respectfully disagree.

Page 7 lines 14-21 of Rao teaches that a data repository containing patient information, typically collected from one or more health care organizations, is consulted to obtain a list of persons meeting specified criteria. The data repository is typically maintained by a clinical trials brokerage. The process of obtaining the list of persons meeting the specified criteria is initiated by a request from a company (e.g., a drug company) to the clinical trials brokerage. The request includes some specified criteria. The clinical trials brokerage generates the list of persons meeting the specified criteria using the data repository and the specified criteria.

Rao does not teach or fairly suggest "determining if patient data associated with a patient has changed" and "checking the patient data with respect to the selection criteria automatically **if the determining step determines the patient data has changed,**" as required by claim 1. By

contrast, Rao teaches that patient data is **evaluated once, upon request of an interested party**, and that a corresponding list is sent to the interested party.

Because Rao does not teach or fairly suggest each and every feature of independent claim 1, Rao does not anticipate or render claim 1 obvious. Claims 3-14 are patentable at least by virtue of their dependency from claim 1.

The Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection to claims 1 and 3-14 under 35 U.S.C. § 102(b). Claim 2 having been cancelled by this amendment.

**CONCLUSION**

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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